

Application Serial No. 10/694,654
Response to Restriction Requirement filed September 21, 2005
Response to Office Action dated September 9, 2005

REMARKS

In the Restriction Requirement dated September 9, 2005, the Examiner required an election under 35 U.S.C. §121 between what was characterized as the following patentably distinct groups of claims:

- I. Claims 1-36; and
- II. Claims 37-66.

According to the Examiner, Groups I and II are related as combination and subcombination because the cage and rack system of the invention does not require the specifics of a cage level barrier cage having a first and second and third and fourth opposing recesses and a bonnet. The Examiner asserts that the subcombination has separate utility such as for use in an animal litter.

Applicants respectfully maintain that the restriction requirement and the Examiner's assertions therein are not proper, specifically, Applicants respectfully maintain that the cage level barrier cage would not practically be used in an animal litter. For at least these reasons, withdrawal of the restriction requirement and examination of claims 1-66 is respectfully requested.

Notwithstanding the above, in order to comply with 37 C.F.R. §1.143, Applicants hereby provisionally elect Group I, claims 1-36, drawn to a ventilated cage and rack system, to prosecute in this application.

Applicants' provisional election is made without prejudice and Applicants respectfully reserve the right to file later divisional applications directed to the claim not elected.

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Applicants respectfully submit that all outstanding requirements have been addressed and are now either overcome or moot. Favorable consideration and prompt allowance of this application is respectfully requested. In the event that there are any questions, or should additional information be required, please do not hesitate to contact Applicants' attorney at the number listed below.

No fee is deemed necessary in connection with the filing of this Response to Restriction Requirement. However, if any fee is now or hereafter required, the Examiner is hereby authorized to charge the amount of such fee(s) to Deposit Account No. 19-4709.

Respectfully submitted,



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